

## RIGHT OF ACCESS

Permission is hereby granted to the BOARD OF PARK COMMISSIONERS OF THE CLEVELAND METROPOLITAN PARK DISTRICT, 4101 Fulton Parkway, Cleveland, Ohio 44144, its employees, agents, consultants, and contractors ("PERMITTEE"), to enter upon property located in the City of Parma, County of Cuyahoga, State of Ohio, as more particularly identified on the attached map, being a portion of Permanent Parcel No. 451-11-002 ("PERMITTOR'S PROPERTY"), owned by the City of Parma, Ohio ("PERMITTOR"), for the purpose of installing and monitoring rain gardens on Permittor's property, as well as photographing Permittor's Property, and later evaluating how these individual household actions can improve local water quality and quantity by improving management of stormwater, which may include limited use of Permittor's water during planting, (the "PERMITTED ACTIVITIES"), with payment of all costs related to the Permitted Activities to be paid by Permittee, subject to the following conditions:

1. **Access** – Permittor agrees that Permittee may enter upon Permittor's Property to perform the Permitted Activities upon execution of this Right of Access Agreement and may have access to the Property for up to three (3) years.
2. **Photographing** – Permittor agrees to allow use of photos taken of the Permitted Activities area to be used for publications, presentations and web use for the purpose of education. Photographs taken will be sensitive to the Permittor's home address and private property, and photographs will not include children of the Permittor, unless permission is given.
3. **Vehicles and Equipment** - Used in connection with the installation, shall be operated in accordance with the rules and policies of PERMITTOR of which PERMITTEE is given written notice. Any damage which might occur because of the Permitted Activities, shall be repaired promptly to the reasonable satisfaction of Permittor by Permittee upon written notice by Permittor to Permittee. *Permittee shall be liable and responsible for any damages to Permittor's property and/or to third parties if said damages are caused by Permittee's negligence and/or recklessness.*
4. **Notification** - Permittee agrees to contact Permittor before entering the property, particularly if the installation is located behind Permittor's residence. Permittee will also identify itself if asked to do so by Permittor.
5. **Maintenance** – Permittor agrees to maintain the stormwater installation area for three (3) years, including, but not limited to, weeding and watering the area.

6. **Change of Ownership** – Permittor agrees to notify Permittee if the Permittor's Property will be changing owners due to selling or home loan default. The Permittor agrees to notify the new owners of participation in the Permitted Activities. This will allow an opportunity for the new ownership to decide to continue participation or to decline, and for arrangements to be made regarding maintenance in the interim.

This Right of Access shall become effective when signed by the parties and shall continue in full force and in effect for a period of three (3) years.

PERMITTEE:

Board of Park Commissioners of the  
Cleveland Metropolitan Park District  
4101 Fulton Parkway  
Cleveland, Ohio 44144  
(216) 351-6300

By:

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Brian M. Zimmerman  
Executive Director

Date:

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PERMIT ISSUED BY:

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PERMITTOR: Brian G. Higgins  
Service Director, City of Parma, Ohio

Date:

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### **Legal Description for PPN: 451-11-002**

Situated in the City of Parma, County of Cuyahoga and State of Ohio and known as being part of Original Parma Township Lot No. 15, Ely Tract and further known as being all of Sublot No. 98 in the Klusner Realty Co's. Uhinck Subdivision as recorded in Volume 99 Page 28 of the Cuyahoga County Recorders records and also known as being all of PPN: 451-11-002 as shown in the Cuyahoga County Auditor records, be the same more or less but subject to all legal highways.

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